

**BEFORE THE SOUTH CAROLINA STATE BOARD OF  
EXAMINERS IN OPTOMETRY**

In the Matter of:

**PAUL K. COPPOLA, O.D.,**

License No. 1040

OIE # 2006-03

Respondent.

**FINAL ORDER**

(Public)

This matter came before the Board of Examiners in Optometry (hereinafter "the Board") for Hearing on May 17, 2006, as a result of the Notice and Complaint served upon the Respondent and filed on March 13, 2006. A quorum of Board members was present. Pursuant to S.C. Code Ann. § 40-37-40(5) and (6), S.C. Code Ann. § 4037-90, Regulation 95-20 of the Rules and Regulations of the Board, S.C. Code Ann. § 40-1-70(6), and the provisions of the Administrative Procedures Act (hereinafter "APA"), S.C. Code Ann. § 1-23-10, et seq., as amended, the Board at that time heard the charges alleged in the Notice and Complaint. The State was represented by Geoffrey R. Bonham, Esquire. The Respondent was represented by Charles M. Groves, Esquire.

The Respondent was originally charged with violation of S.C. Code Ann. § 40-37-10, *et seq.*, and the Rules and Regulations of the Board. However, at the Hearing, the parties stipulated that in order to take into account the amendments to the Board's Practice Act, which took effect July 1, 2005, in accordance with Act. No. 135 of 2005, the Formal Complaint would be amended. Specifically, the Formal Complaint was amended to allege that the Respondent was charged with violation of S.C. Code Ann. § 40-37-5, *et seq.* (2005). In addition, other changes to the Formal Complaint were made with the consent of Respondent. These changes are reflected below.

with all provisions of RPP or other authorized Program as outlined above for a period of not less than five (5) years after the suspension on his license was stayed, the Respondent may come before this Board to request that his suspension be lifted.

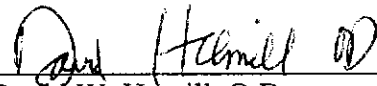
8. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practices and compliance with the provisions of this Final Order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this Final Order. Failure to satisfactorily comply with such requests will be deemed a violation of this Final Order.

9. The Respondent shall pay the costs associated with the investigation and prosecution of this matter. Counsel for the State, Geoffrey R. Bonham, Esquire, shall make a final accounting to the Board of the aforementioned costs. The Board will then forward same to the Respondent. Payment of these costs shall be made to the Board within thirty (30) days after the date of service of the statement of costs on the Respondent or his counsel.

10. This Final Order shall take effect upon the date of service of this Order on the Respondent or his counsel.

**AND IT IS SO ORDERED.**

**BOARD OF OPTOMETRY EXAMINERS**

  
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David W. Hamill, O.D.  
President

JULY 27, 2006.

## **FINDINGS OF FACT**

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is duly licensed as an optometrist by the Board and was licensed as an optometrist by the Board at the time of the events at issue in this matter.
2. On or about December 18, 2004, Respondent was arrested for driving under the influence, 1<sup>st</sup> Offense. This charge was subsequently reduced to reckless driving.
3. On or about January 31, 2006, Respondent was arrested for possession of crack cocaine and drug paraphernalia.
4. On or about February 23, 2006, the South Carolina Department of Environmental Control arrested Respondent for Unlawful Distribution of a Controlled Substance.
5. On or about March 10, 2006, Respondent was referred to the South Carolina Recovering Professionals Program.
6. On March 13, 2006, an Order of Temporary Suspension was issued. In the Order, Respondent's license to practice optometry in South Carolina was temporarily suspended until such time as full compliance had been made by the Respondent and until further Order of the Board.
7. In April of 2006, the Respondent admitted himself into the Bradford Facility in Alabama for five (5) days. At that time, it was recommended that the Respondent undergo in-house treatment.
8. In May of 2006, the Respondent entered the Talbott Recovery Campus in Atlanta, Georgia, for treatment of chemical dependence. The Respondent is scheduled to begin in-house treatment June 5, 2006.

F. The Respondent shall appear and report to the Board as requested by the Board.

G. The Respondent shall comply with the terms of this Final Order and all State and federal statutes and regulations concerning the practice of optometry.

H. The Respondent shall promptly advise this Board in writing of any changes in address, practices, professional status, or compliance with this Final Order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

South Carolina Department of Labor,  
Licensing and Regulation  
Board of Optometry Examiners  
P.O. Box 11329  
Columbia, S.C. 29211-1329

4. Should the Respondent violate any of the aforementioned provisions during the one (1) year following the date of this Order, the Respondent's licence shall be permanently revoked.

5. Should the suspension on Respondent's license be stayed after one (1) year following successful completion of Respondent's in-house treatment, and should the Respondent violate any of the aforementioned provisions while that suspension is stayed, Respondent's license shall be permanently revoked.

6. Should the suspension on Respondent's license be stayed after one (1) year following successful completion of Respondent's in-house treatment, the Respondent must still continue as an active participant in RPP or an other authorized Program as outlined above for a period of not less than five (5) years after the suspension on his license was stayed.

7. If: (a) the Respondent's suspension has been stayed after one (1) year following successful completion of Respondent's in-house treatment; and (b) the Respondent has complied

9. The Respondent testified that he last used cocaine in January of 2006. The Respondent has undergone random drug tests since that time and all have been negative.

10. The Respondent was referred to Recovering Professional's Program (hereinafter "RPP"), in March of 2006, and has been a member of RPP since that time.

11. At the Hearing, the Respondent admitted the facts recited above and alleged in the Formal Complaint, as amended, and admits that those facts present sufficient grounds for a finding of misconduct, as alleged in the Formal Complaint, as amended.

### **CONCLUSIONS OF LAW**

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that grounds for discipline exist, S.C. Code Ann. §§ 40-1-120 and 40-37-110 provide that, among other actions, the Board has the authority to: issue a public reprimand; impose a fine; place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension, including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs; permanently revoke a license; and/or impose the reasonable costs of the investigation and prosecution of a case.

2. The Respondent violated S.C. Code Ann. §§ 40-1-110(f) and (I), S.C. Code Ann. § 40-37-110, and S.C. Code Regs. 95-1(A) in the following particulars:

A. The Respondent has violated S.C. Code Ann. §§ 40-1-110(I), in that he used alcohol or drugs to such a degree as to adversely affect his ability to practice optometry, as evidenced by his chemical dependency.

in the activities of RPP or such other program (hereinafter "the Program") as shall be pre-approved by the Board, as approved in advance in writing by the Board. Such contract shall include provisions for any assessment, treatment, monitoring, and aftercare activities, and other activities as the Program shall deem appropriate, including, but not limited to:

- (1) Assessment and treatment requirements of the Program;
- (2) Monitoring and aftercare activities of the Program;
- (3) Participation in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA);
- (4) Participation in professional support groups or organizations or equivalents, as approved by the Program;
- (5) Such additional therapeutic activities as deemed appropriate and necessary by the Program.

The Program shall submit regular written reports documenting the Respondent's full compliance with the terms of the contract with the Program and this Order.

D. Within thirty (30) days of the date of this Order, the Respondent must provide to the Board a letter signed by an appropriate representative of the Program mentioned above verifying that the Respondent has signed a written contract with and become an active participant in the activities of the Program, as required above. Compliance with this paragraph shall not be deemed satisfied until written verification is received by the Board.

E. The Respondent shall be prohibited from authorizing, prescribing, or possessing controlled substances except as prescribed by a duly licensed practitioner for a documented medical purpose.

- B. The Respondent has violated S.C. Code Ann. § 40-37-110(A)(6), in that he has violated the Principles of Ethics as adopted by the Board, and has violated a provision of a Regulation promulgated by the Board pursuant to Chapter 37 of Title 40 of the Code of Laws of South Carolina 1976; specifically, Regulation 95-1, as evidenced by the Respondent's abuse of and obtaining narcotics or controlled substances for his own use, and his unlawful distribution of controlled substances in violation of various provisions of the Optometry Practice Act as enumerated herein.
- C. The Respondent had violated S.C. Code Ann. §§ 40-1-110(f) by engaging in conduct that is deceptive, fraudulent, or harmful to the public, as evidenced by his abuse of narcotics and his unlawful distribution of controlled substances.

3. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for continuing services of qualified optometrists against the countervailing concern that society be protected from professional ineptitude and misconduct.

4. The sanction imposed is designed not to punish the optometrist, but to protect the life, health, and welfare of the people at large.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:**

1. The Respondent's license to practice optometry in this State is hereby suspended indefinitely.

2. Following one (1) year of successful completion of Respondent's in-house treatment, Respondent may come before this Board and request a stay of this indefinite suspension.

3. In addition to successful completion of Respondent's in-house treatment, Respondent must adhere to the following terms and conditions in order to request a stay of this indefinite suspension:

A. Respondent shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. All use of such substances is to be reported by the Respondent to the Board or its designee within forty-eight (48) hours of initiation. All such medical treatment and prescribing shall be reported directly to the Board in writing by the treating practitioner within ten (10) days after the date of treatment. The Respondent must inform the treating practitioner of this responsibility, provide a copy of this Order to the treating practitioner, and ensure timely compliance. Failure to inform the treating practitioner of this responsibility shall be considered a violation of this Order.

B. The Respondent shall be subject to periodic, unannounced blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Respondent remains drug and/or alcohol-free. The cost of such blood and urine alcohol and/or drug analyses and reports shall be borne by the Respondent, which costs shall be paid within thirty (30) days after the date of the invoice therefor. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug free shall be considered a violation of this Order.

C. The Respondent must have a written contract with and be an active participant